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19 UNITED STATES DISTRICT COURT
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 ANDY WU, on behalf of himself and all
23 others similarly situated,

24 Plaintiff,

25 v.

26 POST FOODS, LLC and POST HOLDINGS,
27 INC.,

Defendants.

Case No. 4:16-cv-03494-DMR

**STIPULATION TO EXTEND
DEADLINES FOR RESPONSE
AND REPLY TO MOTION TO
DISMISS PURSUANT TO LOCAL
RULE 6-2; AND ORDER AS
MODIFIED BY THE COURT
CLASS ACTION**

Complaint Filed: June 22, 2016

Honorable Richard Seeborg

STIPULATION TO EXTEND DEADLINES FOR RESPONSE AND REPLY TO
MOTION TO DISMISS PURSUANT TO LOCAL RULE 6-2; AND ORDER - 1
CASE NO. 4:16-CV-03494-RS

1 Pursuant to the United States District Court, Northern District of California Local
2 Rules, Rule 6-1(a), Plaintiff Andy Wu ("Plaintiff"), and Defendant Post Foods, LLC, and Post
3 Holdings, Inc. (collectively, "Defendants"), by and through their respective counsel, stipulate
4 and agree as follows:

5 1. WHEREAS, Plaintiff filed his initial Complaint on June 22, 2016, and served
6 the Complaint on July 5, 2016.

7 2. WHEREAS, per Defendants' request, Plaintiff and Defendants entered into a
8 stipulation on July 15, 2016, extending Defendants' time to answer or respond to Plaintiff's
9 Complaint an additional 21 days, to August 16, 2016.

10 3. WHEREAS, per Defendants' request, Plaintiff and Defendants entered into a
11 second stipulation on August 10, 2016, extending Defendants' time to answer or respond to
12 Plaintiff's Complaint an additional 7 days, to August 23, 2016.

13 4. WHEREAS, on August 23, 2016, Defendants filed a Motion to Dismiss
14 Pursuant to FRCP 12(b)(6) ("Motion to Dismiss"), and the deadline for Plaintiff to file a
15 response to the Motion to Dismiss is September 6, 2016.

16 5. WHEREAS, Plaintiff and Defendants have since agreed to extend the deadline
17 for Plaintiff to file the response to the Motion to Dismiss by 14 days, to September 20, 2016.

18 6. WHEREAS, Plaintiff and Defendants have further agreed to extend the deadline
19 for Defendants to file their reply in support of the Motion to Dismiss by 21 days, to October 4,
20 2016.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
22 through their respective counsel, that Plaintiff shall respond to Defendants' Motion to Dismiss
23 by September 20, 2016, and Defendant shall file a reply in support of their Motion to Dismiss
24 by October 4, 2016. Motion to Dismiss Hearing shall be heard on
25 October 27, 2016 at 1:30 p.m. in Courtroom #3, 17th Floor.

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27 STIPULATION TO EXTEND DEADLINES FOR RESPONSE AND REPLY TO
MOTION TO DISMISS PURSUANT TO LOCAL RULE 6-2; AND ORDER - 2
CASE NO. 4:16-CV-03494-RS

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28 STIPULATION TO EXTEND DEADLINES FOR RESPONSE AND REPLY TO
29 MOTION TO DISMISS PURSUANT TO LOCAL RULE 6-2; AND ORDER - 3
30 CASE NO. 4:16-CV-03494-RS

LOCAL RULE 5-1(i)(3) STATEMENT

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from counsel for all parties, and that I will maintain records to support this concurrence by all counsel subject to this Stipulation as required under the local rule.

By: /s/ Beth E. Terrell, SBN #178181
Beth E. Terrell, on behalf of Plaintiff

I. ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 29th day of August, 2016.

A handwritten signature in blue ink, appearing to read "Richard Seeborg", is written over a horizontal line.

HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE